

REMARKS

Claims 1, 2, 4, 8, 16, 17, 19, 23-31, and 33 are pending and claims 9-15 and 44-52 are canceled. Independent claims 1 and 24 have been amended to focus on the stand nature of the fill material. Formerly dependent claims 2 and 8 have been rewritten in independent form by incorporating all of the limitations of unamended claim 1. No new matter has been added.

It is noted that there was a typographical error in the last response in that the first element of both claim 1 (Original) and claim 9 (Withdrawn) was shown as underlined. This underlining was not meant to indicate the addition of new limitations into the claim as the underlined words already were original in both of these claims.

Section 102 Rejection

Claims 1, 2, 4, 8, 16, 17, 19, 23-31 and 33 stand rejected as anticipated by Belef et al. This rejection is respectfully traversed.

Nothing in Belef et al discussing the fill material teaches, or even suggests, that the fill material be of a form that is stranded as recited by amended independent claims 1 and 24 and unamended independent claim 16. On the contrary, Belef et al. specifically describes the fill material as nucleus pulposus that “may include other ingredients” and that “may be broken down into relatively small particles, e.g., by chopping or other processing, and/or may be mixed with a fluid or other carrier, such as saline to facilitate its introduction into the bladder 12.” [Beles, para. 61]. The fill material of Belef et al. is “flowable” [Beles, para 65] and is intended to be inserted under pressure. [Belef, para 66].

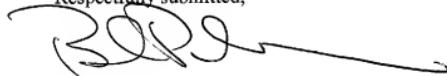
In contrast the claimed invention of claims 1, 16 and 24 utilizes aliquots of strands of fill materials. Such strands are not within the realm of what is taught by Belef et al.

With respect to now independent claims 2 and 8, it is respectfully submitted that Belef et al. does not teach or suggest the specific forms of fill material that are recited in these claims and that none of the extra-cellular matrix materials recited in para. 65 of Belef et., such as intestinal submucosa, would constitute any of the forms of fill material that are required by these claims.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



Brad Pedersen  
Registration No. 32,432

Customer No. 24113  
Patterson, Thuente, Skaar & Christensen, P.A.  
4800 IDS Center  
80 South 8th Street  
Minneapolis, Minnesota 55402-2100  
Telephone: (612) 349-5774